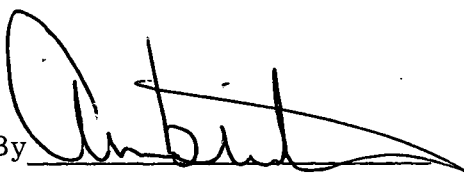


By 

J B No. 665

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedure for the Texas Water Commission's
3 assumption of jurisdiction over a nonprofit water supply corporation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 13.044(a), Water Code, is amended to
6 read as follows:

7 (a) On petition of five percent of the ratepayers of a
8 nonprofit water supply corporation created and operating under
9 Chapter 76, Acts of the 43rd Legislature, 1st Called Session,
10 1933 (Article 1434a, Vernon's Texas Civil Statutes), the Commission
11 ~~[shall]~~ may, after notice and hearing, assume jurisdiction over
12 the nonprofit water supply corporation under this chapter. If there
13 are more than ~~[100]~~ 400 ratepayers of the nonprofit water supply
14 corporation, the petition is sufficient if signed by ~~[100]~~ 400
15 of those ratepayers.

16 SECTION 2. The importance of this legislation and the crowded
17 condition of the calendars in both Houses create an emergency and an
18 imperative public necessity that the constitutional rule requiring
19 bills to be read on three several days in each House be suspended,
20 and this rule is hereby suspended, and that this Act take effect and
21 be in force from and after its passage, and it is so enacted.

1 By: Armbrister S.B. No. 665
2 (In the Senate - Filed March 4, 1987; March 5, 1987, read
3 first time and referred to Committee on Natural Resources;
4 March 19, 1987, reported adversely, with favorable Committee
5 Substitute by the following vote: Yeas 6, Nays 0; March 19, 1987,
6 sent to printer.)

7 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
8 Santiesteban	x			
9 Montford				x
10 Armbrister	x			
11 Brown	x			
12 Lyon				x
13 Sarpalius				x
14 Sims	x			
15 Tejada	x			
16 Uribe				x
17 Whitmire				x
18 Zaffirini	x			

20 COMMITTEE SUBSTITUTE FOR S.B. No. 665

By: Armbrister

21 A BILL TO BE ENTITLED
22 AN ACT

23 relating to the procedure for the Texas Water Commission's
24 assumption of jurisdiction over a nonprofit water supply
25 corporation.

26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

27 SECTION 1. Subsections (a) and (c), Section 13.044, Water
28 Code, are amended to read as follows:

29 (a) On petition of 10 [~~five~~] percent or 500 of the
30 ratepayers of a nonprofit water supply corporation created and
31 operating under Chapter 76, Acts of the 43rd Legislature, 1st
32 Called Session, 1933 (Article 1434a, Vernon's Texas Civil
33 Statutes), whichever is less, the Commission shall assume
34 jurisdiction over the nonprofit water supply corporation under this
35 chapter. [~~if there are more than 100 ratepayers of the nonprofit~~
36 ~~water supply corporation, the petition is sufficient if signed by~~
37 ~~100 of these ratepayers.~~]

38 (c) If a nonprofit water supply corporation comes under the
39 jurisdiction of the commission under this section, the jurisdiction
40 of the commission shall [~~may~~] be rescinded on a petition meeting
41 the same criteria as required by Subsection (a) of this section for
42 a petition for the assumption of jurisdiction. However, if the
43 jurisdiction is rescinded, the rescission is not applicable to any
44 case involving the nonprofit water supply corporation that is
45 pending before the commission on or before the date of rescission.

46 SECTION 2. The importance of this legislation and the
47 crowded condition of the calendars in both houses create an
48 emergency and an imperative public necessity that the
49 constitutional rule requiring bills to be read on three several
50 days in each house be suspended, and this rule is hereby suspended,
51 and that this Act take effect and be in force from and after its
52 passage, and it is so enacted.

* * * * *

Austin, Texas
March 19, 1987

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 665, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Santiesteban, Chairman

SENATE FAVORABLY AS SUBSTITUTED COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

3/19 2PM
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred
CSB 665 by Armbrister have on 3/18, 1987, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute

☐ do pass as substituted, and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure Armbrister

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	<input checked="" type="checkbox"/>			
Montford, Vice Chairman				<input checked="" type="checkbox"/>
Armbrister	<input checked="" type="checkbox"/>			
Brown	<input checked="" type="checkbox"/>			
Lyon				<input checked="" type="checkbox"/>
Sarpalius				<input checked="" type="checkbox"/>
Sims	<input checked="" type="checkbox"/>			
Tejeda	<input checked="" type="checkbox"/>			
Uribe				<input checked="" type="checkbox"/>
Whitmire				<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	6	0	0	5

Jane Pulaski
COMMITTEE CLERK

[Signature]
CHAIRMAN

105c

FILE

7087

BILL ANALYSIS

By: Armbrister

C.S.S.B. 665
Senate Committee
on Natural Resources

BACKGROUND:

Currently, Section 13 of the Water Code grants 100 ratepayers of a nonprofit water supply corporation the right to petition the Water Commission for that water supply corporation to be under Water Commission purview. Additionally, 5% of the ratepayers may also petition the Commission (if that number is less than 100) for the same jurisdiction. It has been suggested that even if the Commission feels that such a move would be inefficient or counterproductive, the Commission must, nonetheless, assume jurisdiction.

PURPOSE:

As proposed, C.S.S.B. 665 grants the Water Commission the right to reject jurisdiction over a water supply corporation.

RULEMAKING AUTHORITY:

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Section 13.044(a) and (c), Water Code, for the Commission to assume Commission would to jurisdiction over a nonprofit water supply corporation under this chapter and increases to 500 the number of signers on a petition under this chapter.

(c) provides for conditions under which commission jurisdiction could be rescinded.

SECTION 2. Emergency clause.

COMPARISON OF ORIGINAL BILL TO SUBSTITUTE

Enumerated below are the substantial differences between the original bill and the substitute version:

The original bill provided for notice and hearing to occur on petition of the ratepayers. The substitute did not include this provision. The original bill addressed the issue of 400 ratepayers as sufficient on a petition. The substitute provides for 500 ratepayers. The substitute addresses the mandatory jurisdiction of the commission that might be rescinded on a petition meeting the criteria in the abovementioned subsection. The original bill did not address this issue.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 18, 1987

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 665
By: Armbrister

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 665 (relating to the procedure for the Texas Water Commission's assumption of jurisdiction over a nonprofit water supply corporation) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission;
LBB Staff: JO, HES, JWH, JG, MC

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 7, 1987

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: Senate Bill 665,
as engrossed
By: Armbrister

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 665, as engrossed (relating to the procedure for the Texas Water Commission's assumption of jurisdiction over a nonprofit water supply corporation) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission;
LBB Staff: JO, HES, JWH, JG, LV

3

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Notice is hereby given that CCSB 6605, by: Ann. Committee
was heard by the Committee on Natural Resources on 3/18, 1987,
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.

Jane Bartash
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF
THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE
BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE
COMMITTEE ON ADMINISTRATION, ROOM 419. PLEASE CALL 3-0305 IF YOU HAVE
ANY QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR
IS 3:00 P.M. FRIDAYS.

Substitute the following for SB 665

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for the Texas Water Commission's assumption of jurisdiction over a nonprofit water supply corporation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.044, Subsections (a) and (c), Water Code, are amended to read as follows:

(a) On petition of ¹⁰~~ten~~ five percent or 500 ~~of~~ the ratepayers of a nonprofit water supply corporation created and operating under Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 1434a, Vernon's Texas Civil Statutes), whichever is less, the Commission shall assume jurisdiction over the nonprofit water supply corporation under this chapter. ~~[If there are more than 100 ratepayers of the nonprofit water supply corporation, the petition is sufficient if signed by 100 of these ratepayers.]~~

(c) If a nonprofit water supply corporation comes under the jurisdiction of the commission under this section, the jurisdiction of the commission shall ~~[may]~~ be rescinded on a petition meeting the same criteria as required by Subsection (a) of this section for a petition for the assumption of jurisdiction. However, if the jurisdiction is rescinded, the rescission is not applicable to any case involving the nonprofit water supply corporation that is pending before the commission on or before the date of rescission.

SECTION 2. The importance of this legislation and the ¹/₁ crowded condition of the calendars in both ~~H~~ouses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each ~~H~~ouse be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

3/19/87 Be
3/25/87

March 26 1987 Engrossed
Fatsy Law
Engrossing Clerk

I certify that the attached is a true and correct
copy of SB 6063, which was
received from the Senate on MAR 26 1987
referred to the Committee on Natural Resources
Boaty Murray
Chief Clerk of the House

By: Armbrister
(Saunders)

S.B. No. 665

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for the Texas Water Commission's
assumption of jurisdiction over a nonprofit water supply
corporation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (c), Section 13.044, Water
Code, are amended to read as follows:

(a) On petition of 10 [~~five~~] percent or 500 of the
ratepayers of a nonprofit water supply corporation created and
operating under Chapter 76, Acts of the 43rd Legislature, 1st
Called Session, 1933 (Article 1434a, Vernon's Texas Civil
Statutes), whichever is less, the Commission shall assume
jurisdiction over the nonprofit water supply corporation under this
chapter. [~~if there are more than 100 ratepayers of the nonprofit~~
~~water supply corporation, the petition is sufficient if signed by~~
~~100 of these ratepayers.~~]

(c) If a nonprofit water supply corporation comes under the
jurisdiction of the commission under this section, the jurisdiction
of the commission shall [~~may~~] be rescinded on a petition meeting
the same criteria as required by Subsection (a) of this section for
a petition for the assumption of jurisdiction. However, if the
jurisdiction is rescinded, the rescission is not applicable to any
case involving the nonprofit water supply corporation that is
pending before the commission on or before the date of rescission.

SECTION 2. The importance of this legislation and the

S.B. No. 665

1 crowded condition of the calendars in both houses create an
2 emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended,
5 and that this Act take effect and be in force from and after its
6 passage, and it is so enacted.

COMMITTEE AMENDMENT NO. 1

Amend SB 665 in the following manner:

Add a new Section 13.044(d), Water Code, in Section 1. of the bill which reads as follows:

(d) An applicant for service from a water supply or sewer service corporation may petition the commission for review of the reasonableness of fees assessed for extension of service or upgrading of facilities in addition to the regular membership or tap fees. If the commission finds the fee to be unreasonable, it shall establish the fee to be charged.

Russell

HOUSE COMMITTEE REPORT

1st Printing

By: Armbrister
(Saunders)

S.B. No. 665

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for the Texas Water Commission's assumption of jurisdiction over a nonprofit water supply corporation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (c), Section 13.044, Water Code, are amended to read as follows:

(a) On petition of 10 [~~five~~] percent or 500 of the ratepayers of a nonprofit water supply corporation created and operating under Chapter 76, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 1434a, Vernon's Texas Civil Statutes), whichever is less, the Commission shall assume jurisdiction over the nonprofit water supply corporation under this chapter. [~~If there are more than 100 ratepayers of the nonprofit water supply corporation, the petition is sufficient if signed by 100 of these ratepayers.~~]

(c) If a nonprofit water supply corporation comes under the jurisdiction of the commission under this section, the jurisdiction of the commission shall [~~may~~] be rescinded on a petition meeting the same criteria as required by Subsection (a) of this section for a petition for the assumption of jurisdiction. However, if the jurisdiction is rescinded, the rescission is not applicable to any case involving the nonprofit water supply corporation that is pending before the commission on or before the date of rescission.

SECTION 2. The importance of this legislation and the

S.B. No. 665

1 crowded condition of the calendars in both houses create an
2 emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended,
5 and that this Act take effect and be in force from and after its
6 passage, and it is so enacted.

COMMITTEE AMENDMENT NO. 1

Amend SB 665 in the following manner:

Add a new Section 13.044(d), Water Code, in Section 1. of the bill which reads as follows:

(d) An applicant for service from a water supply or sewer service corporation may petition the commission for review of the reasonableness of fees assessed for extension of service or upgrading of facilities in addition to the regular membership or tap fees. If the commission finds the fee to be unreasonable, it shall establish the fee to be charged.

Russell

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

5-15-87
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 665 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

() do pass, without amendment.
(X) do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no An actuarial analysis was requested. () yes (X) no

An author's fiscal statement was requested. () yes (X) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.
XXXXXXXXXXXX

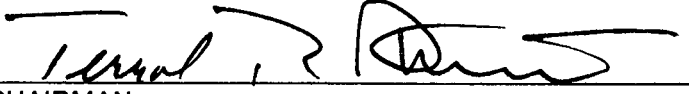
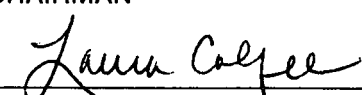
This measure () proposes new law. (X) amends existing law.

House Sponsor of Senate Measure Saunders

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	X			
Harris, J., V.C.	X			
Johnson, C., C.B.O.				X
Hammond				X
Holzheuser	X			
Russell	X			
Shelley	X			
Toomey				X
Yost	X			

Total
6 aye
0 nay
0 present, not voting
3 absent


CHAIRMAN

COMMITTEE COORDINATOR

SB 665
By: Armbrister

Committee on
Natural Resources

BILL ANALYSIS

Background

Currently, Section 13, Water Code, provides that the Water Commission may gain jurisdiction over a nonprofit water supply corporation if either 100 ratepayers or 5% of the ratepayers (whichever is lower) petition the Commission to do so. The Commission is not required to relinquish this jurisdiction.

Purpose of the Bill

This bill would set the number of petitioners necessary to bring a nonprofit water supply corporation under the jurisdiction of the Texas Water Commission at either 10% or 500 ratepayers, and require the Commission to relinquish jurisdiction upon receiving a petition meeting those same requirements.

Section by Section Analysis

SECTION 1. Amends Section 13.044(a), Water Code, to provide that the Texas Water Commission shall assume jurisdiction over a nonprofit water supply corporation if either 10% or 500 ratepayers, whichever is less, sign a petition requesting this action by the Commission. Also provides that such jurisdiction shall be rescinded by a petition meeting the same requirements.

SECTION 2. Emergency clause.

Rulemaking Authority

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

Summary of Committee Action

Public notice was posted in accordance to the rules and a formal meeting was held on Friday, May 15, 1987, and the full committee voted to report SB 665 to the House as amended with a recommendation that it do pass by a record vote of 6 ayes, zero nays and zero present, not voting.

Effect of Committee Amendments

The Committee Amendment provides that applicants for service from certain districts would be able to petition the Commission for review of fees assessed, and that the Commission could set the fees if it finds current fees to be unreasonable.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 7, 1987

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: Senate Bill 665,
as engrossed
By: Armbrister

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 665, as engrossed (relating to the procedure for the Texas Water Commission's assumption of jurisdiction over a nonprofit water supply corporation) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission;
LBB Staff: JO, HES, JWH, JG, LV

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 27, 1987

TO: Honorable H. Tati Santiesteban, Chairman In Re: Committee Substitute
Committee on Natural Resources for Senate Bill No. 665
Senate Chamber
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 665 (relating to the procedure for the Texas Water Commission's assumption of jurisdiction over a nonprofit water supply corporation) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission;
LBB Staff: JO, HES, JWH, JG, LV

4

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 18, 1987

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 665
By: Armbrister

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 665 (relating to the procedure for the Texas Water Commission's assumption of jurisdiction over a nonprofit water supply corporation) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission;
LBB Staff: JO, HES, JWH, JG, MC

5

S. B. No.

665

By

[Signature]

AN ACT relating to the procedure for the Texas Water Commission's assumption of jurisdiction over a nonprofit water supply corporation.

3-4-87

Filed with the Secretary of the Senate

MAR 5 1987

Read and referred to Committee on NATURAL RESOURCES

Reported favorably

MAR 19 1987

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

MAR 26 1987

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ yeas, ____ nays

MAR 26 1987

Read second time, _____, and ordered engrossed by:

unanimous consent

a viva voce vote

____ yeas, ____ nays

Caption ordered amended to conform to the body of the bill.

MAR 26 1987

Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.

MAR 26 1987

Read third time, _____, and passed by 30 yeas, 0 nays.

[Signature]

SECRETARY OF THE SENATE

OTHER ACTION:

Mar. 26, 1987

Engrossed

MAR 26 1987

Sent to House

Engrossing Clerk

[Signature]

MAR 26 1987

Received from the Senate

MAR 30 1987

Read first time and referred to Committee on

Natural Resources

5-15-87

Reported favorably amended, sent to Printer at

4:15 pm

MAY 18 1987

MAY 20 1987

Printed and Distributed

3:52 pm

MAY 21 1987

Sent to Committee on Calendars

3:04 pm

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of ____ yeas, ____ nays ____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ____ yeas, ____ nays ____ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of

____ yeas, ____ nays ____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

MP